

# CITY OF DULUTH

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

## STAFF REPORT

<b>File Number</b>	PL 14-036	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov
<b>Application Type</b>	Concurrent Use Permit	<b>Planning Commission Date</b>	May 13, 2014
<b>Deadline for Action</b>	<b>Application Date</b>	April 8, 2014	<b>60 Days</b> June 7, 2014
	<b>Date Extension Letter Mailed</b>	April 22, 2014	<b>120 Days</b> August 6, 2014
<b>Location of Subject</b>	10th Avenue E Between 1st Street and 2nd Street		
<b>Applicant</b>	St. Luke's Hospital	<b>Contact</b>	Ron Franzen, rfranzen@slhduluth.com
<b>Agent</b>	Kenneth D. Butler	<b>Contact</b>	kbutler@kenbutlerlaw.com, 218-625-2278
<b>Legal Description</b>	See attached		
<b>Site Visit Date</b>	N/A	<b>Sign Notice Date</b>	April 28, 2014
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A

### Proposal

Applicant seeks a concurrent use permit for a new skywalk approximately 15 feet wide by 80 feet long over 10th Avenue E, connecting the existing hospital to the 4th floor of Building A. Skywalk will be approximately 30 feet above the road surface.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
<b>Subject</b>	MU-I	Hospital campus	Institutional
<b>North</b>	MU-I	Hospital campus	Institutional
<b>South</b>	MU-I	Hospital campus	Institutional
<b>East</b>	MU-I	Hospital campus	Institutional
<b>West</b>	MU-I	Hospital campus	Institutional

### Summary of Code Requirements (reference section with a brief description):

UDC Section 50-37.7C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

1. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
2. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions;
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

H-1

**Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):**

Governing Principle #4 - Support emerging economic growth sectors. This includes the medical industry.

Future Land Use - Institutional: Applicable to university and college and public school campuses, large religious facilities or governmental campuses, cemeteries, etc. Relationship to institutional master plans.

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

Staff finds that:

- 1.) St. Luke's Hospital has previously received five concurrent use permits for its hospital campus (see attached list). They are also applying for a concurrent use permit for a new skywalk across 10th Avenue E (PL 14-036).
- 2.) Because of structural and operational concerns (see attached email), applicant has stated they are unable to meet 66% transparency, but are able to meet the 50% requirement. Proposed skywalk contains windows that result in 59% transparency on each side of the skywalk, thereby meeting the requirements of UDC Section 50-23.6.
- 3.) Skywalks are an important part of connecting an urban hospital campus. As this skywalk will connect two central buildings, it will significantly improve the circulation of hospital employees and patients.
- 4.) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city.
- 5.) The area proposed for concurrent use is not currently being used by the public. At a height of almost 30 feet above the road surface, the skywalk exceeds the MnDOT State Aid standard of 15'6" clearance.
- 6.) The City of Duluth requires Concurrent Use Permits to include liability insurance to indemnify the City against occurrences in the right of way.
- 7.) Note that all skywalks, including private skywalks, must follow signage requirements of UDC Section 50-27.
- 8.) No public, agency, or other City comments were received.

**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, Staff recommends that Planning Commission recommend approval of the Concurrent Use Permit with the following conditions:

- 1.) The project be limited to, constructed, and maintained according to "Bridge Details," Sheet A138, received May 6, 2014.
- 2.) Applicant provide proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**

H-2



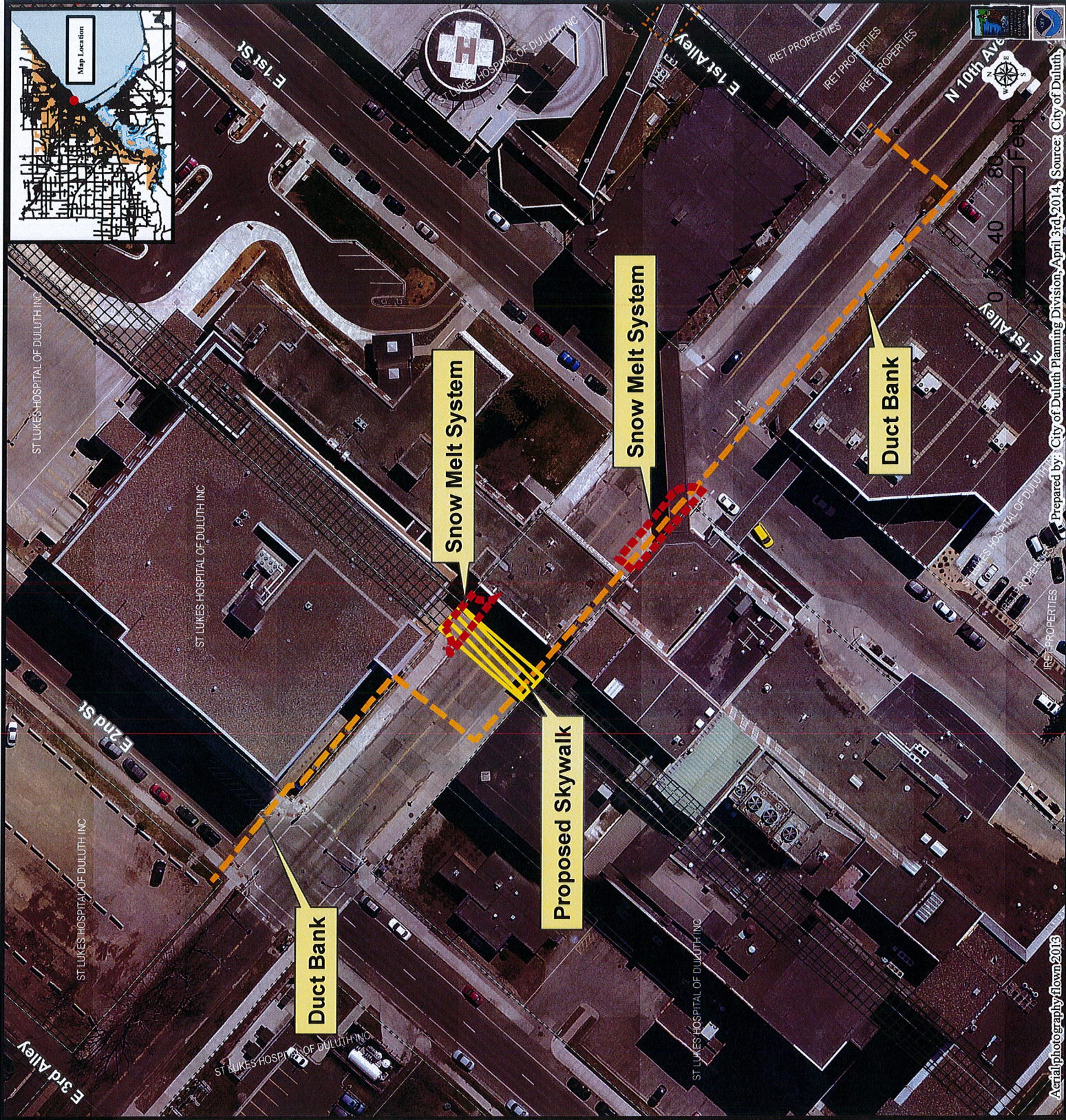


## City Planning

PL 14-036 and 14-037  
St. Luke's Hospital

### Legend

Right-of-Way Type	
-----	Road or Alley ROW
-----	Vacated ROW
Easement Type	
-----	Utility Easement
-----	Other Easement



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

A-3

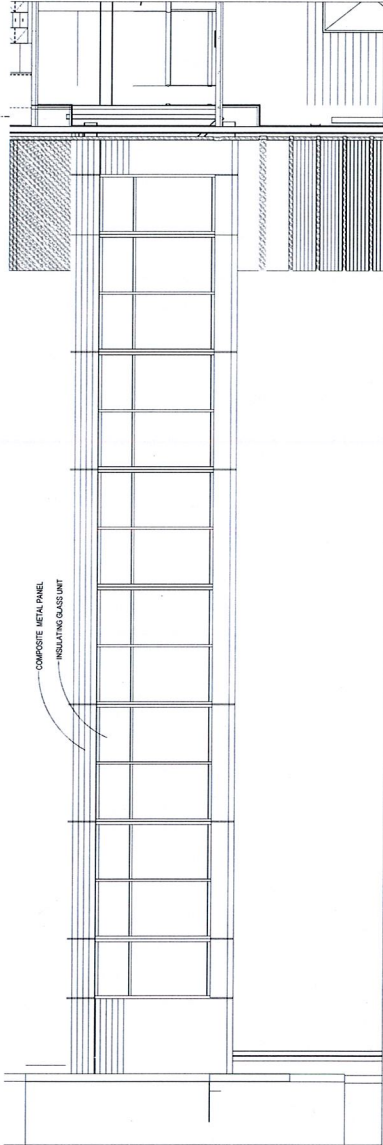
Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, April 3rd, 2014. Source: City of Duluth.

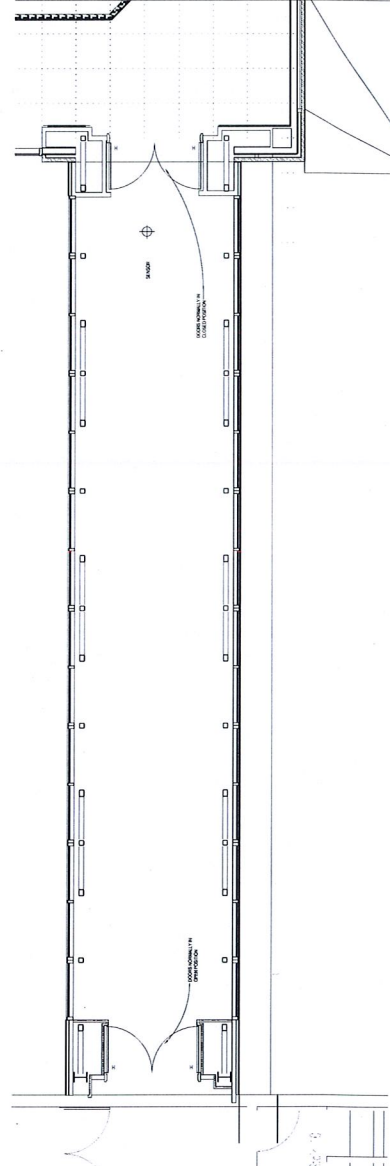
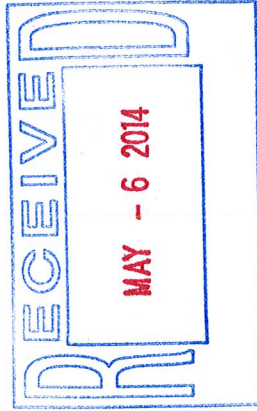




No.	Description	Quantity	Unit
1	BRIDGE ELEVATION	1	EA
2	FOURTH FLOOR PLAN (outside)	1	EA
3	FOURTH FLOOR PLAN (inside)	1	EA
4	FOURTH FLOOR PLAN (roof)	1	EA
5	FOURTH FLOOR PLAN (basement)	1	EA
6	FOURTH FLOOR PLAN (garage)	1	EA
7	FOURTH FLOOR PLAN (storage)	1	EA
8	FOURTH FLOOR PLAN (entrance)	1	EA
9	FOURTH FLOOR PLAN (exit)	1	EA
10	FOURTH FLOOR PLAN (staircase)	1	EA
11	FOURTH FLOOR PLAN (elevator)	1	EA
12	FOURTH FLOOR PLAN (restroom)	1	EA
13	FOURTH FLOOR PLAN (kitchen)	1	EA
14	FOURTH FLOOR PLAN (living room)	1	EA
15	FOURTH FLOOR PLAN (bedroom)	1	EA
16	FOURTH FLOOR PLAN (bathroom)	1	EA
17	FOURTH FLOOR PLAN (closet)	1	EA
18	FOURTH FLOOR PLAN (storage room)	1	EA
19	FOURTH FLOOR PLAN (garage room)	1	EA
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98	FOURTH FLOOR PLAN (storage room)	1	EA
99	FOURTH FLOOR PLAN (storage room)	1	EA
100	FOURTH FLOOR PLAN (storage room)	1	EA



1 BRIDGE ELEVATION  
SCALE: 1/4" = 1'-0"



2 FOURTH FLOOR PLAN (outside)  
SCALE: 1/4" = 1'-0"

H-4

EXHIBIT B

H-5

# ST. LUKE'S SKYWALK STUDY

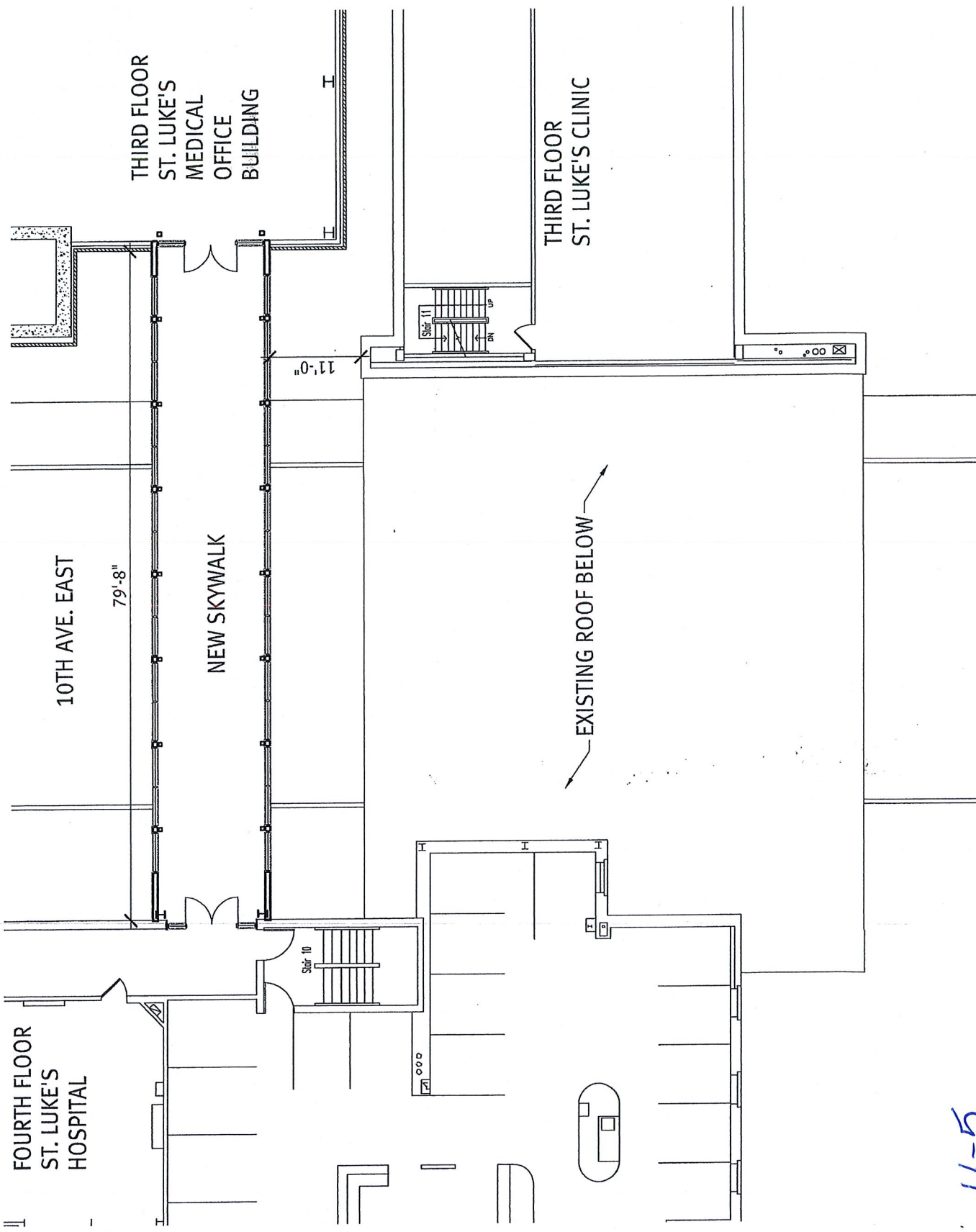
## FLOOR PLAN

1/16" = 1'-0"

12/22/11

RECEIVED APR 08 2014

entlching  
through  
communities  
dsqw  
architecture  
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FOURTH FLOOR  
ST. LUKE'S  
HOSPITAL

THIRD FLOOR  
ST. LUKE'S  
MEDICAL  
OFFICE  
BUILDING

THIRD FLOOR  
ST. LUKE'S CLINIC

10TH AVE. EAST

NEW SKYWALK

EXISTING ROOF BELOW

11'-0"

79'-8"

Stair 10

Stair 11

# ST. LUKE'S SKYWALK STUDY

SECTION  
3/32" = 1'-0"

12/22/11

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ST. LUKE'S CLINIC

ST. LUKE'S M.O.B.

FIRST FLOOR  
ELEV: 93'-0"

SECOND FLOOR  
ELEV: 107'-6"

THIRD FLOOR  
ELEV: 124'-10"

FOURTH FLOOR  
ELEV: 140'-10"

ROOF ELEV:  
156'-0"

EXISTING CLINIC  
CONNECTION

PROPOSED  
SKYWALK

H-6



## EXHIBIT A

### DESCRIBE THE REASONS FOR THIS REQUEST:

Permit needed for construction of a skywalk across 10<sup>th</sup> Avenue East, the elevation and length of same as shown on the attached site plan marked as Exhibit B. The general construction of the skywalk is as follows:

- The skywalk is approximately 15 feet wide by 80 feet in length.
- The skywalk will be located approximately 174.2 feet (North) from the centerline of First Street to centerline of skywalk.
- The skywalk will consist of composite metal panels and glass windows. The glass equates to approximately 35% of each elevation (North side and South side of skywalk).
- The skywalk will be connecting the 4<sup>th</sup> floor of the existing Hospital to the 4<sup>th</sup> floor of Building "A," and will be approximately 28 feet above the road surface to the bottom of the skywalk structure.

It is requested that any concurrent use permit to be granted by this Application be consolidated and identified along with those earlier permits that have already been issued for encroachments above and below 1<sup>st</sup> Street and 10<sup>th</sup> Avenue East, namely:

- 76-127, pedestrian skywalk in the intersection of 10<sup>th</sup> Avenue East and 1<sup>st</sup> Street (I believe this is the one from Northland to the hospital), approved by City Council on March 21, 1977.
- 96-123, ambulance garage, retaining wall, and canopies for the emergency room entrance, approved by City County on September 23, 1996.
- 00-012, skywalk from the ambulatory center to the hospital over 1<sup>st</sup> Street, approved by City Council on March 6, 2000.
- Ordinance 6789 which addresses a viaduct or overpass approximately 30 feet in width and a clearance of at least 14 feet above the surface of 10th Avenue East and a tunnel approximately 10 feet by 10 feet under 10<sup>th</sup> Avenue East.
- Ordinance No. 9313 which grants to St. Luke's Hospital the right to occupy, erect and maintain retaining wall, canopies and all fixtures and pertinencies located within the northerly 20 feet of East First Street adjacent to Lots 1-16, inclusive, Block 35, PORTLAND DIVISION OF DULUTH. The heat-melt system located underneath the First Street sidewalk between 9<sup>th</sup> and 10<sup>th</sup> Avenues East is covered by this Ordinance and is requested that it be referenced as such. (Copies of Ordinances 6789 and 9313 are enclosed.)

## Jennifer Moses

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**From:** John Stephan <JStephan@erdman.com>  
**Sent:** Tuesday, May 06, 2014 11:01 AM  
**To:** Jennifer Moses  
**Cc:** Ron Franzen (RFranzen@slhduluth.com); 'Ken Butler' (kbutler@kenbutlerlaw.com); Patrick Earley (Patrick.Earley@slhduluth.com); Paul Brunsell; Jim Joyce  
**Subject:** St. Luke's Hospital connecting bridge  
**Attachments:** 616320-Sheet-A138-BRIDGEDETAILS.PDF

Good morning Jenn,

As requested in your voice message earlier today, I have attached an updated elevation and floor plan of the bridge. The elevation has been modified in two ways to increase the transparency from 35% to 59%. First, the glass has been extended down to the floor line to increase the area of glass storefront to 692 square feet. Second, the bottom of the bridge has been raised 22 inches to decrease the area of the façade to 1170 square feet. The resulting transparency is just over 59%. An added benefit of this second change is that the clear space under the bridge has increased from 28 feet to nearly 30 feet.

Although we could reach transparency of 67% if the vision glass were to be extended to the extreme ends of the bridge, the glass has been held back for both structural and operational reasons. On the west end of the bridge, at the existing hospital, the doors are in a normally open position to facilitate the travel of surgical patients and staff between the two sides of the surgery department. These open doors and the structural columns behind them would block the view of any glass that might be placed at this location. In addition, the drywall box-outs behind the doors at both ends of the bridge serve to cover the structural connections at the two buildings. Any glass at the ends of the bridge, then, would likely be spandrel glass which, of course, offers no transparency.

If you have further questions or require additional explanatory remarks, please do not hesitate to call or e-mail.

Regards,  
John

**John F. Stephan, AIA**  
**LEED AP, EDAC**  
**Senior Project Design Manager**

### **ERDMAN**

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